REMARKS

Claim 1-17 and 19-29 are pending of which claims 1, 9, 14, 15, 19, 21 and 23 are independent. Reconsideration of the action mailed August 1, 2006, is requested in light of the foregoing amendments and the following remarks.

The Examiner rejected claims 1-3, 6, 8-12, 14, 16, and 19-29 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,116,055 to Tracy (hereinafter "Tracy"). The Examiner rejected claims 4, 13, 15, and 17 under 35 U.S.C. § 103(a) as allegedly unpatentable over Tracy in view of U.S. Patent Application Publication No. 2003/0060279 to Torango (hereinafter "Torango"). Applicant traverses the rejections.

Section 102 Rejections

Claim 1 stands rejected as anticipated by Tracy. Claim 1 is directed towards a system that includes a device operable to change, in response to a received wager amount, the percentage of the wager amount to be applied to the progressive jackpot. This provides a dynamic and flexible system allowing real-time management and adjustment of a progressive jackpot and the gaming systems associated with the progressive jackpot. Additional gaming systems can also be added to the progressive jackpot while a progressive game is in play.

The Examiner states that Tracy discloses changing a percentage of a wager amount applied to a progressive jackpot in response to a received wager from the first gaming system at col. 2, lines 32-36; col. 3, lines 57-65; and col. 4, lines 20-48. Applicant respectfully disagrees.

Tracy discloses a system for joining gaming machines having different gaming parameters in a same progressive jackpot (*e.g.*, a set of slot machines). *See* col. 2, lines 10-19. The system is designed so that the dollar amount contributed by each game machine to a progressive jackpot is equal. *See* page 2, lines 15-19. In order to provide equal dollar contribution, an electric translator is added to each machine to adjust the coin/pulse (coins per pulse) rate for each gaming machine. *See* page 2, lines 27-41. The coins per pulse rate defines the number of input wagers for a particular gaming machine required to generate a single pulse. *See* FIG. 2; col. 4, lines 1-20. When a pulse is received, the progressive jackpot is increased by a predefined amount. *See* col. 4, lines 7-11. For example, a game with a nickel wager can have a five coins per pulse rate while a game with a quarter wager can have a single coin per pulse rate.

For both the nickel and the quarter game, a single pulse increments the progressive by an identical amount, *e.g.*, 5 cents.

The coins per pulse rate for each gaming machine is a constant set for each gaming machine according to the particular gaming parameters associated with the gaming machine and a desired overall contribution amount for each gaming machine in order to provide a fair progressive jackpot. *See* col. 2, lines 10-35. Once the coin per pulse rate is set for a gaming machine in a given progressive (*i.e.*, when establishing the progressive system), the coins per pulse rate is constant during play of the gaming machine, otherwise the gaming machine would no longer be set to contribute the same overall amount to the progressive jackpot as the other gaming machines (*i.e.*, a change in the coins per pulse rate would change that machine's overall contribution to the progressive jackpot).

In Tracy's system, a constant coins per pulse rate also means that the percentage amount contributed to the jackpot is also unchanged. This is because Tracy defines the coins per pulse rate for the gaming machine based on the parameters of the gaming machine, including the percentage of wager amount applied to the progressive jackpot, in order to ensure that each gaming machine contributes the same overall amount to the progressive jackpot. *See* col. 2, lines 28-36; col. 4, lines 12-21. Thus, changing the percentage amount contributed for a gaming machine would require a change in the coins per pulse rate. Therefore, the system disclosed by Tracy does not disclose or suggest changing the percentage wager amount applied to the progressive in response to a received wager from the first gaming system.

Additionally, Tracy fails to disclose any structure or process that changes the percentage of the wager amount applied to the progressive in response to a received wager amount. The system in Tracy, the electronic translators are required in order to add different gaming machines to a single progressive jackpot. The translators compensate for the gaming machine's specific gaming parameters. The electronic translators, once set, simply emit pulses at a defined rate. Tracy does not disclose or suggest any communication structure or protocol providing communication to the electronic translators from a progressive management device that would allow the coins per pulse rate to be changed in response to a received wager amount after the progressive game has been established.

Furthermore, no logic is disclosed as residing in the electronic translator as being capable to calculating the necessary parameters in order to change the coins per pulse rate in response to a received wager amount. Finally, in order to maintain a fair game as defined by Tracy, each gaming machine must provide the same overall amount to the progressive jackpot. If the coins per pulse rate is changed for one gaming machine, a similar change would be necessary for every connected gaming machine in order to maintain the equal contribution. Tracy does not disclose or suggest communication among the gaming systems that would provide for the modification of the coins per pulse rate in each gaming system in response to received wagers. Thus, the system disclosed by Tracy cannot perform the claimed functions.

The Examiner states that the recited feature can be found at col. 2, lines 32-36, which reads, in pertinent part, as follows:

> Each translator adjusts the coin/pulse information from its respective gaming machine such that the % To JP of the machine provides a $s to JP for the machine which approximates that of the other gaming machines.

The cited passage of Tracy states that the electronic translator for each gaming machine adjusts the machines given coins per pulse information such that the gaming machine can be part of the progressive. The coins per pulse rate is set such that a given percentage provided to the progressive jackpot results in the same amount of money being contributed by the gaming machine to the progressive jackpot as is contributed by each other gaming machine participating in the progressive jackpot.

A gaming machine designed for progressive play includes a gaming parameter defining a percentage amount contributed to a progressive award. However, in order to join different types of gaming machines in a single progressive, Tracy needs to compensate for varying gaming parameters included in different gaming machine types. The above passage from Tracy discloses setting the coins per pulse rate for the gaming machine given the percentage amount contributed to the progressive jackpot for the particular gaming machine. The correct aggregated contribution by the gaming machine to the progressive jackpot is controlled by adjusting the coins per pulse rate based on the percentage contribution of the gaming machine.

In other words, the only factor that can be adjusted to allow the game to join the progressive is the coins per pulse rate since the percentage contribution amount is constant.

Further, once set, the coins per pulse provided by the electronic translator it cannot be changed because of the requirements set for providing a fair game. Therefore, the cited passage does not disclose or suggest changing the percentage wager amount applied to the progressive in response to a received wager from the first gaming system, as required by claim 1.

The Examiner also relies on col. 3, lines 57-65 to provide the recited feature of claim 1. Col. 3, lines 57-65 read, in pertinent part, as follows:

> To achieve the above result of the $s To JP of each gaming machine being approximately equal, the parameters of the gaming machines 2A-2D, e.g., the Hit Frequencies, the parameters of the controller 3 and/or the other parameters of the system, e.g., the % to JP, can be suitably selected and adjusted. In the present illustrative case, the latter parameter, i.e., the % to JP, is controlled for each gaming machine to realize the desired approximate equality of $s to JP. Furthermore, this is achieved by using electronic translators 7A-7D between the respective gaming machines 2A-2D and the controller 3.

The cited passage of Tracy discloses adjusting the parameters of each gaming system in order to produce an equal contribution of each machine to the progressive jackpot. In particular, the cited passage states that the percentage amount contributed to jackpot for a given machine can be controlled in order to get the desired dollar amount contribution from the machine. However, Tracy does not disclose or suggest changing the percentage of a wager amount in response to a received wager amount. In Tracy, the aggregate percentage provided to the progressive jackpot is controlled by changing the coins per pulse such that a desired total amount is contributed to the progressive jackpot. *See* col. 3, line 57 to col. 4, line 48. Thus, the controlled percentage referred to in the cited passage is the effective percent contribution caused by the change to the coins per pulse rate (thus resulting in the desired total contribution amount). In other words, the gaming parameters of the gaming machine are not directly changed; however, their effect is controlled by using the electronic translator to set the particular coins per pulse rate for each gaming machine. However, Tracy does not act in response to individual wager amounts. No changes to the percentage of the wager amount contributed to the progressive jackpot are made in response to a received wager amount from a gaming machine. Once the coins per pulse rate for a given machine is set (*i.e.*, when adding the machine to the progressive), the coins per pulse also remains constant, and thus so does the effective percent contribution.

Finally, the Examiner also relies on col. 4, lines 20-48. The cited passage includes a number of equations showing the relationships between the different gaming parameters and the modified coins per pulse rate. The equations are used to determine the correct coins per pulse rate for a given gaming machine in order to contribute the same dollar amount to the progressive jackpot. As discussed above, the calculations of the coins per pulse rate for a gaming system do not disclose or suggest changing the percentage of the wager amount applied to a progressive jackpot in response to a received wager amount. *See* col. 4, lines 20-21.

The cited passage confirms this by stating that the translators adjust the coins per pulse as a function of the desired amount contributed to the progressive jackpot. *See* col. 4, lines 42-48; equation 5. Equation 5 allows the translator to identify the desired coins per pulse rate for any given gaming machine according to the gaming parameters of the gaming machine as well as the desired amount contributed to the progressive. *See* equation 5. The equation allows the coins per pulse to be determined for each machine so that each machine contributes the same amount to the progressive jackpot.

Again, however, Tracy does not disclose or suggest changing, in response to a received wager, a percentage of the wager amount contributed to the progressive. Tracy's system creates a static system such that once a coins per pulse rate is determined for a gaming machine to participate in the progressive, the gaming parameters are constant. There is no disclosure or suggestion in Tracy that gaming parameters are modified in response to a received wager amount. Applicant respectfully submits that claim 1, as well as claims 2-8, 17, and 24, which depend from claim 1, are in condition for allowance.

In responding to Applicants previous arguments, the examiner fails to contest the Applicant's argument that Tracy does not disclose or suggest changing a percentage of the wager amount contributed in response to a received wager amount. However, the Examiner does state that Tracy monitors wagers and adjusts the percentage of jackpot accordingly by adjusting the coin per pulse rate. This is incorrect. The translator does not adjust the coins per pulse rate by monitoring received wagers. The coins per pulse rate is set prior to a wager being received according to the parameters necessary to join the individual machines into the progressive. Once established, the coins per pulse rate cannot be modified based on individual wager activity at a particular gaming machine since this would modify the overall percentage contribution for that

machine, making the machine unequal to the other machines participating in the progressive jackpot. The object of Tracy's system is to maintain the same contribution for individual participants in the progressive jackpot, which would be defeated if the coins per pulse rate could be modified during a progressive game in response to a received wager.

Claim 9 stands rejected as anticipated by Tracy. Claim 9 is directed to a method for including systems having different progressive payout parameters into the same progressive jackpot that includes changing, in response to a received wager amount, a percentage of the wager amount to be applied by each gaming system to the progressive jackpot. For the reasons set forth above with respect to claim 1, claim 9 as well as claims 10-13, 16, and 25, which depend from claim 9, are in condition for allowance.

Claim 14 stands rejected as anticipated by Tracy. Claim 14 is directed to a system for managing a progressive game having a progressive management device. The system includes a first gaming system having a first set of payout parameters and a second gaming system having a second set of payout parameters. The progressive management device is operable to select, for each gaming system, a percentage of a wager amount to be applied to the progressive jackpot in response to a received wager. As discussed above, Tracy does not disclose or suggest any modifications to gaming parameters including percentage of a wager amount to apply to the progressive jackpot in response to a received wager. Instead, Tracy discloses a set coins per pulse rate defined when adding the gaming system according to the gaming systems predefined gaming parameters, including a pre-exiting percentage contribution amount, to achieve a desired overall contribution from the particular gaming machine to the progressive jackpot. Tracy's system is then hardwired to receive pulses at given rates. The recipient of the pulse does not differentiate between wager amount or the device from which the pulse was sent. No selection of a percentage of a wager amount to apply is made in response to a received wager. Applicant respectfully submits that claim 14, as well as claim 26, which depend from claim 14, are in condition for allowance.

Claim 19 stands rejected as anticipated by Tracy. Claim 19 is directed to a method for determining a progressive outcome that includes changing, in response to the received data, a percentage of the wager amount to be applied to a progressive based on progressive payout

parameters analysis. For the reasons set forth above with respect to claim 1, claim 19 as well as claim 20 and 27, which depend from claim 19, are in condition for allowance.

Additionally, claim 19 recites the execution of a random number generator calculation and transmitting the result of the random number generator calculation to a gaming system. In Tracy, the random number calculations used to produce an outcome for each gaming system are localized. For example, each slot machine has logic for determining the outcome of a slot pull. Tracy does not disclose or suggest transmitting a random number generator calculation to a particular gaming machine as required by claim 19. For the foregoing additional reason, claim 19 is in condition for allowance.

Claim 21 stands rejected as anticipated by Tracy. Claim 21 is directed to a computer program product for including gaming systems having different progressive payout parameters into the same progressive jackpot that includes instructions to change a percentage of a wager amount to be applied by each gaming system to the progressive jackpot in response to a received wager amount. For the reasons set forth above with respect to claim 1, claim 21 as well as claim 22 and 28, which depend from claim 21, are in condition for allowance.

Claim 23 stands rejected as anticipated by Tracy. Claim 23 is directed to a computer program product for determining a progressive outcome that includes instructions to change, in response to the received data, a percentage of the wager to be applied to a progressive jackpot based on progressive payout parameters analysis. For the reasons set forth above with respect to claim 1, claim 23 as well as claim 29, which depends from claim 23, are in condition for allowance.

Section 103 Rejections

Claim 15 stands rejected as unpatentable over Tracy in view of Torango. Claim 15 is directed to a method for including gaming systems having different currency types to in a progressive jackpot that includes changing a percentage of a wager amount applied to the progressive jackpot for each gaming system. For each received wager amount, the source gaming system is identified and a percentage of that received wager is selected to be applied to the progressive jackpot. The Examiner states that Tracy discloses changing a percentage of a wager mount applied to the progressive jackpot for each gaming system. Tracy does not disclose

or suggest selecting a percentage of a received wager amount to apply to the progressive jackpot. For the reasons set forth above with respect to claim 1, claim 15 is in condition for allowance.

Additionally, claim 15 recites that for a received wager amount, the source gaming system of the received wager amount is identified. The Examiner states that Tracy discloses the recited identifying step at col. 3, lines 45-67. Applicant respectfully disagrees. The cited portion of Tracy discloses the need to have equal contribution from each machine participating tin the progressive jackpot. There is no disclosure or suggestion that the source machine of individual wagers is identified.

In Tracy, wagers are not transmitted from the individual gaming systems, thus there would be no reason to identify the source of a given wager. Instead, a pulse signal is transmitted to the progressive based on the defined coins per pulse rate of that gaming machine. However, the effect of a received pulse on the progressive is identical regardless of the source gaming system. The pulses from each gaming system are identical and result in the same increment to the progressive. In other words, a pulse received from gaming system 1 is indistinguishable from a pulse received from gaming system 2, and the result of each pulse is the same. Consequently, Tracy cannot identify the source of a give wager because Tracy cannot identify the source of a given pulse. For this additional reason, claim 15 is in condition for allowance.

The applicant respectfully requests that all pending claims be allowed.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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